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GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-eighth year

Letter dated 30 March 1993 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to enclose a copy of a letter dated 30 March 1993 addressed to you by the Minister for Foreign Affairs, Mr. R. F. Botha, regarding the recent report of the Goldstone Commission on the activities of the Azanian People's Liberation Army (APLA) (see annex).

I should be grateful if the text of the present letter and the annexures could be circulated as a document of the General Assembly, under item 38 of the preliminary list, and of the Security Council.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Letter dated 30 March 1993 from the Minister for Foreign Affairs of South Africa to the Secretary-General

You will be aware that the Goldstone Commission has published a preliminary report on its investigations into the activities of the Azanian People's Liberation Army (APLA).

For your convenience and background, the following documentation is attached:

Annexure A: Report of the Goldstone Commission on the activities of the Azanian People's Liberation Army (APLA) dated 15 March 1993.

Annexure B: South African Embassy's Note No. 133 to the Department of Foreign Affairs of Transkei dated 24 March 1993 in which the preliminary findings of the Commission were conveyed to the Transkei Government.

Annexure C: Military Council of Transkei's Press Release dated 24 March 1993 in response to the findings of the Goldstone Commission.

Annexure D: Military Council of Transkei's Note No. 123 to the Office of the State President of South Africa dated 25 March 1993 in response to the findings of the Goldstone Commission.

Annexure E: Press Release dated 29 March 1993 by the Honourable Mr. Justice Goldstone, Chairman of the Commission of Inquiry, regarding the prevention of public violence and intimidation.

Annexure F: Note of the Office of the State President dated 30 March 1993 to the Chairman of the Military Council of Transkei in response to the Council's Note No. 123 of 25 March 1993.

You will notice that it is recommended by the Goldstone Commission, inter alia, that the international community:

- Request all nations to withhold assistance to APLA;

- Bring pressure to bear on the Pan Africanist Congress of Azania (PAC) to cease to condone and support acts of violence by APLA and to join other political groups in their search for a negotiated settlement;

- Ascertain from the Government of the United Republic of Tanzania its response to the allegations of the South African Police (SAP) and the South African Defence Force (SADF) concerning the training of APLA members in that country and the existence of an APLA base.

It is further recommended by the Commission that the South African security forces protect the citizens of South Africa to the best of their ability and arrest and prosecute perpetrators of violence in terms of the common law.

The Commission also requested the South African Government and all political groups in South Africa to ascertain from the Transkeian authorities their response to the allegations of the Police and Defence Force and, if they are confirmed or not denied, to bring pressure to bear on the Transkeian authorities to prohibit the use of any part of their territory as a springboard for attacks against South African citizens.

(Signed) R. F. BOTHA

Annexure "A"

GOLDSTONE COMMISSION: PRELIMINARY REPORT ON THE ACTIVITIES OF THE AZANIAN PEOLPE'S LIBERATION ARMY (APLA)

QUOTE

THE STATE PRESIDENT (Covering letter)

1. The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present the report by the committee conducting a preliminary investigation into the activities of the Azanian People's Liberation Army (APLA).

2. The report of the Committee was accepted by the Commission.

3. This inquiry differs from all others held by the Commission in that some interested parties have refused to participate in the proceedings. This is regretted and the Commission expresses the hope that the Transkei authorities, the PAC and APLA will reconsider their attitude. Should they or any of them do so, the Commission will reopen the proceedings and allow any evidence that has been placed before the Committee to be tested by cross-examination, the leading of further evidence, and the hearing of further submissions.

4. It is in the hope of a positive response from Transkei, the PAC and APLA that all of the findings made thus far are provisional. If no response is forthcoming, however, those parties cannot be heard to complain if those provisional findings are regarded as conclusive by the local and international communities.

5. The Commission would like to express its gratitude to Mr. F. Bam and Mr. N. Coetzer for the time and assistance which they gave to the Chairman of the Committee, Mr. Gert Steyn.

RJ. GOLDSTONE
PRETORIA
15 MARCH 1993

REPORT OF THE COMMITTEE CONDUCTING A PRELIMINARY INVESTIGATION INTO THE ACTIVITIES OF THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA)

1. INTRODUCTION

1.1 The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has, with the concurrence of the Minister of Justice, established a committee to conduct a preliminary investigation and to hear evidence and to receive submissions from relevant persons on the location of APLA camps, arms, ammunition, personnel and on its operational activities.

1.2 The Committee was constituted as follows:

1.2.1 Mr. G. Steyn, member of the Commission (Chairman);
1.2.2 Mr. Fikile Bam, a Port Elizabeth advocate; and
1.2.3 Mr. Nico Coetzer, an attorney from Hoopstad.

1.3 The United Nations appointed Professor Kwame Frimpong of the University of Botswana to observe the proceedings of the Committee.

2. HEARINGS BY THE COMMITTEE

2.1 The first session was held in Port Elizabeth on 4 January 1993. Subsequent sessions were held in Pretoria and Port Elizabeth. The proceedings were concluded and argument was heard on 12 February 1993.

2.2 All interested parties were publicly invited to make submissions. Only the South African Police (SAP) and the South African Defence Force (SADF) responded.

2.3 Mr. J. J. du Toit with Mr. J. Bezuidenhout presented evidence on behalf of the Committee.

2.4 Mr. Francois van Zyl appeared for the SAP and Mr. D. O. Pretorius for the SADF.

2.5 Copies of the representations by the SAP and the SADF were, at their request, forwarded to members of the Transkeian Consulate in Port Elizabeth and to representatives of the Pan Africanist Congress (PAC). Both parties, after repeated requests, failed to participate. APLA made no contact with the Committee.

3. SUBMISSION AND EVIDENCE

3.1 The SADF dealt in detail with the following topics:

3.1.1 A brief history of APLA;
3.1.2 APLA's aims;
3.1.3 the strategy of the PAC and APLA;
3.1.4 manifestations of the aforesaid strategy;
3.1.5 APLA's views on negotiations.

3.2 The SAP submitted details of:

3.2.1 The aims, objectives and ideologies of the PAC and APLA;
3.2.2 the sources of information;
3.2.3 APLA's command structures;
3.2.4 the funding of APLA;
3.2.5 APLA and the PAC;
3.2.6 APLA camps;
3.2.7 Transkei and APLA military training;
3.2.8 training within the South Africa;
3.2.9 arms and ammunition;
3.2.10 personnel;
3.2.11 operational activities.

3.3 The submissions and memorandum by both the SAP and the SADF included the following:

3.3.1 Copies and reports from the APLA mouthpiece Azania Combat;
3.3.2 videos apparently made by the PAC;
3.3.3 newspaper reports;
3.3.4 copies of what appear to be official APLA and PAC documents, letters and statements.

3.4 Mr. Du Toit handed in transcripts of evidence by various individuals in court cases and before other committees of the Commission.

3.5 Mr. Du Toit also led the evidence of a witness who gave evidence in camera as Mr. "A".

3.6 At the opening and the closure of all the sittings the Chairman of the Committee extended an invitation to all interested parties to come forward and testify before the Committee. It was once again indicated that, whenever necessary, witnesses would be entitled to protection regarding confidentiality and secrecy. These invitations once again received wide media coverage.

In view of the fact that serious allegations were made as regards the involvement of both the PAC and the Transkeian Government regarding APLA activities, the

Chairman extended a specific invitation to the PAC and the Transkeian Government to participate in the proceedings.

3.7 After consideration of the comprehensive, careful and substantial submissions by the SAP and the SADF, the Committee on 18 January 1993 decided in Pretoria that certain members of APLA be subpoenaed to appear it in Pretoria on 29 January 1993. The evidence before the Committee was that the witnesses subpoenaed were all members of APLA. However, the PAC, through its Secretary-General, released a press statement on 28 January 1993 to the effect that no PAC leader, staff or any other member would appear before the Goldstone Commission and that the summonses would be ignored.

3.8 Both witnesses were in default on 29 January 1993. The Committee referred the matter to the Attorney-General of the Transvaal for his consideration.

3.9 Much of the matter in the submissions was in the nature of hearsay. The Committee was however careful to have regard only to hearsay that could be regarded as reliable. The Committee regarded policy statements by leaders of the PAC and APLA, as contained in their official mouthpiece, to fall within that category. Most of the hearsay was substantiated by the nature of subsequent events.

3.10 The evidence presented by Mr. Du Toit was the following:

3.10.1 An APLA supporter, who was allowed to give evidence in camera as Mr. "A". He was at one stage arrested because of his activities but is no longer sought by the police.

3.10.2 Records of the evidence of an APLA member, who gave evidence as Mr. "X" before the Committee investigating violence against the police and also as Mr. "X" in Bloemfontein Regional Court case No. SH19/92 (S. v. John May and William Mxhosana). The latter was a case against APLA members as a result of attacks on a police station at Batho, Bloemfontein. The accused were convicted on 17 February 1993.

3.10.3 A copy of Aliwal North Regional Court case No. ASH72/92 in which Steven Vusumzi Dolo, an APLA member, was convicted on eight counts resulting from an attack on the police single quarters at Lady Grey and on the farm Wilgerspruit at Lady Grey. He was sentenced to effective imprisonment of 15 years. The record contains a detailed confession by Dolo to the

Magistrate at Aliwal North. This statement was ruled admissible by the Regional Magistrate.

3.10.4 An important aspect of their evidence is that the three persons corroborate each other in material detail. They were all involved in APLA training and participated in military training in Transkei. Their evidence also substantiated many matters dealt with in the SAP and SADF submissions.

3.11 Col Nel, the acting Chief of Military Intelligence of Ciskei, furnished Mr. Du Toit with certain information regarding violence in Ciskei. This was however not relevant to our inquiry. He also furnished information about APLA in Transkei and of joint operations by APLA and Umkhonto we Sizwe from Transkei. Owing to lack of corroboration the Committee decided that it should not take that information into account.

4. ARGUMENT BY COUNSEL FOR THE SAP AND THE SADF

Counsel for the SAP and the SADF submitted that in the light of the failure by APLA, the PAC and the Transkeian authorities to answer or explain any of the allegations made against them, the Committee should now make its findings on the material at present at its disposal. They submitted that the evidence presented constitutes prima facie evidence which in the absence of a reply becomes conclusive.

5. THE PAC AND APLA

5.1 APLA is the military wing of the PAC. The relationship between them is of crucial importance and is the subject of many conflicting statements. The nature of the evidential material before the Committee makes it necessary to first investigate APLA's relationship with the PAC.

5.2 According to Mr. Johnny Mayozi, APLA's chief information officer, in Azania Combat 1992, issue No. 15:

"APLA is not a political party, it is a guerrilla army. Its business is to execute the armed part of the struggle being waged under the political leadership of the PAC...".

5.3 According to the documents before the Committee, APLA is responsible for the execution of the PAC's military policy as decided by the Military Commission. It is alleged that least three members of the Military Commission are also members of the

PAC's National Executive Council. They are Mr Johnson Mlambo, Mr. Joe Makwanazi and Mr. Thobile Gola. It is further alleged that the PAC President, Mr. Clarence Makwetu, and the First Deputy President, Mr. Johnson Mlambo, serve on the APLA High Command.

5.4 The PAC is responsible for ensuring that APLA is supplied with arms, equipment and financial means. Mr. Benny Alexander, Secretary-General of the PAC, said in the television programme "Agenda" on 6 December 1992:

"The PAC is recognised by the Organisation of African Unity and the PAC speaks on behalf of the people in this country in the OAU. I can reveal to the people of this country in very clear and unambiguous terms where APLA gets its money from. The money of APLA comes via the Liberation Committee of the Organisation of African Unity and it is delivered to APLA by its office in Dar-es-Salaam."

5.5 Any democratic movement should take responsibility for and control its members. Its policy cannot be based on conflicting ideals, namely on the one hand the armed struggle and on the other democratic and peaceful change. The relationship between the PAC and APLA is a direct one. Indeed, the previous attempts by them to suggest that each was autonomous are no longer seriously relied upon by the PAC in its recent public statements.

6. APLA CAMPS

6.1 With reference to APLA camps the Committee was informed that APLA members receive training at a formal base in Tanzania. It was alleged that its members also received training in other countries in Africa, Eastern Europe and Asia.

6.2 The SAP and the SADF both furnished information about APLA training in Transkei. The Committee received no evidence of any formal base camps in Transkei. As appears below, the evidence is that training took place at various places in Transkei.

6.3 The statements and evidence of Steven Vusumzi Dolo, witness "A" and witness "X" show that the military training of APLA members took place at places at Sterkspruit, Coffee Bay, Mount Frere and elsewhere in Transkei. Dolo and "A" were involved in the training of others. "X" himself received training at some of these places. They were all involved in attacks on the police. This was on the instructions of Vumankosi Ntikinca and Happy Letlapa (both are APLA

leaders).

6.4 The trainees were supplied with arms and ammunition. There was nothing secret about their training or the carrying of arms. The witnesses said the Transkeian authorities saw them but took no action. It therefore appears that their presence was no secret to the Transkeian authorities.

6.5 The Committee received sufficient acceptable evidence to make the provisional finding that APLA members received military training at various places in Transkei. However, there would appear to be no permanent base in Transkei.

7. APLA ARMS AND AMMUNITION

7.1 The evidence was that during the past two years APLA members were found in possession of AK47 assault rifles, Scorpion machine pistols, M26 hand grenades, Chinese stick grenades and petrol bombs. APLA members involved in attacks on police and civilians used R4 and R5 rifles and 9 mm side-arms. APLA members received training in the use of AK47 assault rifles, Scorpion machine pistols, G3 assault rifles, SK5 assault rifles, hand grenades, Chinese stick grenades, land mines, mortars and RPG7 rocket launchers.

7.2 According to witness "X" they obtained weapons from the places where these were stored in Transkei. After training the weapons were usually stored at the places where they trained. Weapons were issued when they went on assignments.

7.3 The SAP's evidence was that arms and ammunition destined for APLA are smuggled into the country from various neighbouring states. The SAP informed the Committee that it is in possession of information that APLA uses infiltration routes via Botswana through the Ramatlabama border post as well as an air route via Lesotho to Transkei.

7.4 It was also stated that since 1990 the Transkeian authorities have supplied APLA members with arms for VIP protection. These were later returned. Witness "A" confirmed this information.

7.5 From the evidence we received it would appear that APLA has weapons available in Transkei and that these weapons are used in attacks on the police and members of the public.

8. APLA PERSONNEL

8.1 The Committee was informed that APLA's High Command (External) is in overall command of all APLA's operations and activities, both inside South Africa and abroad. It consists of about 30 persons under the First Deputy President of the PAC, Johnson Mlambo, as Commander-in-Chief. The de facto army commander, Sabelo Phama, was also Defence Secretary until the second national congress in 1990. According to the information supplied by the SADF the following persons serve in the external High Command:

8.1.1 APLA Commander-in-Chief - Johnson Phillip Mlambo.
8.1.2 Commander and Secretary of Defence - Victor Gqweta alias Sabelo Phama.
8.1.3 Chief of Staff - Barney Normal Hlatswayo Mzolo.
8.1.4 Director of Operations - Skhulu
8.1.5 Director of Logistics and Finance - Myombo.
8.1.6 Director of Military Intelligence - Mbulelo Raymond Fithla.
8.1.7 Director of Communications and Signals - Keith Nkomo.
8.1.8 Director of Ordnance and Supplies - Ntsiki.
8.1.9 Director of Training and Manpower - Willy Nkonynei alias Siyaya alias Willy Brown.
8.1.10 Chief of Intelligence and Political Commissariat - Daniel Mohato Mofokeng alias Romero Daniels.
8.1.11 Director of Ideological Training and Culture - Rufus Zonyane.
8.1.12 Director of Research, Information and Publicity - Zambi Zweni.
8.1.13 Director of Mass Work - Zambi Zweni.

8.2 It was further stated that a number of local command structures under the command of a local commander, each responsible for a specific area, have been established under each regional command, and that they control a number of units consisting of three to eight persons, each under the command of a unit commander. (These units, so it is alleged, are used for attacks on targets in South Africa.)

8.3 The SAP informed the Committee that the chain of command is supposed to operate as follows. Orders, in line with the PAC's military policy as determined by the Military Commission, originate from the High Command. These orders are passed on by the regional commands concerned to the appropriate local command(s). The necessary arms, ammunition or other equipment are also supplied by the regional commands. The local command(s) identify the target(s), plan the operation(s) and order a particular unit or units to carry out the operation or order. The same channels

are followed to report back on action taken. Units and local commands are not allowed to contact each other horizontally. Vertical contact between its various structures is seen by the APLA High Command as an important factor in maintaining security.

8.4 According to the SAP, APLA has in South Africa approximately 120 members who have undergone military training abroad. The number of recruits trained locally is not known. The SAP estimates that APLA has approximately 2,700 members abroad, the majority of whom are in Tanzania. This number includes women, children and persons working on agricultural projects.

9. APLA'S OPERATIONAL ACTIVITIES

9.1 Through its public statements and the information placed before us APLA makes no secret that its policy is to kill policemen, to kill White farmers in rural areas and, in general, to kill Whites, whom it refers to as settlers. Attacks that APLA claims to have carried out support this. It is further supported by findings made in criminal prosecutions. We heard evidence of attacks on police and on farm houses in the Eastern Cape and the Orange Free State, and of people who were attacked in King William's Town, Queenstown and Cape Town. Statistics were given of 15 attacks on policemen, 13 attacks on farm houses, 3 attacks on houses in the town of Fickburg, attacks on the Golf Club at King William's Town, and attacks on restaurants in Queenstown and Cape Town. According to the SAP, 16 people were killed in alleged APLA attacks.

9.2 The SAP has informed the Committee that it has received information that APLA plans further attacks.

9.3 APLA makes no secret that these attacks are aimed against anybody that it regards as supporting the South African Government. This is in accordance with its slogan "One Settler - One Bullet".

9.4 In the absence of anything to the contrary, the inference must be obvious that APLA's operational activities are aimed at members of the SAP and the SADF, irrespective of race or colour, and White civilians in general.

10. SUMMARY OF THE COMMITTEE'S PROVISIONAL FINDINGS

10.1 Both the PAC and APLA still propagate the armed struggle.

10.2 APLA is the military wing of the PAC.

10.3 APLA uses Transkei as a springboard for attacks into the Republic of South Africa. Arms and ammunition are stored in Transkei for use by APLA units. The presence of armed APLA members in Transkei was known to members of the Transkeian Police.

10.4 The Transkeian Government has supplied APLA with arms allegedly for VIP protection purposes.

10.5 APLA's operational activities are aimed at members of the SAP, the SADF and White civilian in general.

10.6 The PAC controls APLA's budget.

10.7 APLA members have received training in Transkei.

10.8 Arms and explosives are being smuggled into the Republic of South Africa and Transkei for use by APLA members.

10.9 APLA's internal High Command for the Republic is based in the Transkei.

11. THE COMMITTEE'S RECOMMENDATIONS

The vast majority of people in South Africa are opposed to violence and are committed to a peaceful political transformation to democracy. It cannot therefore be tolerated that an organisation should commit acts of violence and wanton killings in order to promote its own political aims. Bitter experience has proved that acts of violence invite retaliation that causes a never-ending cycle of violence that it would be very difficult to contain once it had gained momentum. The Committee therefore recommends as follows:

11.1 That the Security Forces protect the citizens of South Africa to the best of their ability and arrest and prosecute the perpetrators of violence in terms of the common law.

11.2 That the Commission request the international community to -

11.2.1 request all nations to withhold assistance to APLA;

11.2.2 bring pressure to bear on the PAC to cease to condone and support acts of violence by APLA and to join other political groups in South Africa in their search for a negotiated settlement;

11.2.3 ascertain from the Government of Tanzania its response to the allegations by the SAP and the SADF concerning the training of APLA members in that country and the existence there of an APLA base.

11.3 That the Commission request the South African Government and all political groups in the Republic to ascertain from the Transkeian authorities their response to the allegations of the SAP and the SADF, and if they are confirmed or not denied to bring pressure to bear on the Transkeian authorities to prohibit the use of any part of their territory as a springboard for attacks against South African citizens.

11.4 That all the parties engaged in the efforts to reach a negotiated settlement for a future political dispensation in South Africa bring pressure to bear on the PAC and APLA to suspend the armed struggle and to join these parties in their search for a peaceful negotiated settlement.

11.5 That through negotiations pressure be brought to bear on the PAC and other political parties to sign the National Peace Accord and to participate in the peace structures.

12. CONCLUSION

The Committee wishes to emphasise that it was appointed to conduct a preliminary inquiry. All parties are therefore still at liberty and are again invited to provide evidence to the Goldstone Commission at any time with regard to any of the matter relating to this report.

13. GENERAL

13.1 The Committee wishes to thank the United Nations for appointing Professor Kwame Frimpong to observe the inquiry and Professor Frimpong for his interest and the assistance he gave the Committee.

13.2 The Committee also wishes to thank Mr. Du Toit, his staff and also counsel for the SAP and SADF for the competent manner in which the facts were placed before us.

13.3 We also wish to thank the City Council of Port Elizabeth for its hospitality and the excellent accommodation it made available to us.

UNQUOTE

Annexure "B"

Ref No. 8/1/16 **Note No. 133**

The Embassy of the Republic of South Africa presents its compliments to the Department of Foreign Affairs of Transkei and has the honour to convey to the Government of Transkei the preliminary report of the Committee of the Goldstone Commission of Enquiry as presented by President F. W. de Klerk in Parliament on 24 March 1993.

According to State President de Klerk the preliminary findings of the Committee were as follows:

- APLA is using Transkei as a launching pad for attacks in the Republic of South Africa. Arms and ammunition are being stored in Transkei for the use of APLA units. The presence of APLA members in Transkei is known to members of the Transkei Police.

- The Transkei Government has provided APLA with arms, allegedly for VIP protection purposes.

- APLA members receive training in Transkei.

- Arms and explosives are being smuggled into the Republic of South Africa and Transkei for the use of APLA members.

- APLA's internal supreme command for the Republic is based in Transkei.

The Committee has repeatedly extended public invitations to all parties to make submissions. In view of the serious allegations regarding the involvement of, inter alia, official Transkei institutions in connection with APLA activities, the Chairman of the Committee issued an

invitation to the Transkei Government in particular to take part in the proceedings. The Transkei Government, after repeated requests, failed to participate.

The preliminary findings of the Committee which point to active involvement of official institutions of the Transkei in APLA actions in South Africa, are a source of serious concern. The Government of the Republic of South Africa regard this in an extremely serious light.

The Government of the Republic of South Africa hereby urgently requests the Transkeian Government's response to the above.

The Embassy of the Republic of South Africa wishes to avail itself of this opportunity to renew to the Department of Foreign Affairs and Information of the Republic of Transkei the assurance of its highest consideration.

UMTATA
24 MARCH 1993

Annexure "C"

PRESS RELEASE : 24 MARCH 1993

GOLDSTONE FINDINGS ON APLA

We are reliably informed that the findings of the Goldstone Commission of Inquiry into APLA activities to be released by 17h00 this afternoon have vindicated our stand that the inquiry into APLA is a kangaroo court. We are informed that the findings condemn Transkei despite the fact that Transkei cooperated with Judge Goldstone and the RSA Government.

It is public knowledge that Judge Goldstone agreed to head the Transkei independent inquiry into APLA but his arm was later on twisted by the RSA Government. The RSA Government offered to send another Judge instead of Goldstone. We accepted this because we had submitted four names to South Africa.

Instead, on 24 February this year, South Africa responded as follows:

> "the main interest of the South African Government in the proposed Transkeian Commission, was its brief to investigate APLA activities. According to present indications, the findings of the Committee of the Goldstone Commission into APLA activities in the whole of the Eastern Cape will be comprehensive and sufficient and will become available soon. The offer to provide a judge for the Transkeian Commission therefore falls away. Once the report of the Goldstone Commission is received a copy will be provided to the Transkeian Government."

We reject the findings of the Goldstone Commission which condemn Transkei in view of the Judge's untested evidence. It must also be noted that the RSA Government anticipated the findings of Judge Goldstone as evidenced by the contents of the attached diplomatic note dated 24 February 1993.

It is clear that the Goldstone Commission of Inquiry is manipulated to serve the interests of the NP Government. Transkei Government and people find it hard to regard Goldstone as an eminent judge more especially that he did not personally preside over the proceedings of the inquiry into APLA. Instead ex-civil servants and civil servants presided.

The Transkei Government is adamant that there are no APLA bases in Transkei. Since South Africa refused the offer to send a judge to head the Commission of Inquiry into APLA, we regard the matter as a closed affair.

The findings of all Commissions of Inquiry under the present dispensation have to be carefully perused and not be believed all too easily since they are being manipulated to cover the tracks of the regime.

The RSA Government is advised to talk to PAC and other organisations so that all parties mutually agree to cease hostilities.

The recommendations by Goldstone for pressure to be exerted on Transkei by the RSA Government is mind-boggling after Transkei's willingness to co-operate with the RSA Government.

The RSA Government is challenged to publish rules and regulations which it uses to bring under control all military wings within its territory. These can be implemented in the TBVC States. This will clear a lot of confusion.

(Signed) H. B. Holomisa

(H.B. HOLOMISA)
CHAIRMAN OF THE MILITARY COUNCIL: MAJOR-GENERAL

Annexure "D"

T.M.

NOTE NO. 123 REF. NO. 8/1/1/11

The Office of the Military Council of the Republic of Transkei presents its compliments to the Office of the State President of the Republic of South Africa and has the honour to reply to the preliminary findings of the Goldstone Commission of Inquiry into APLA activities and the linkage thereof to Transkei as well as to your Diplomatic Note No. 8/59 dated 24 March 1993. I regret to state that it seems the right hand in the RSA Government does not know what the left hand is doing.

The RSA Government promised to second a judge who would head Transkei's proposed Commission of Inquiry into APLA activities and bases in Transkei. Whilst we were waiting for the confirmation thereof, we received an Embassy Note No. 82, Ref. No. 8/1/16 dated 24 February 1993 attached hereto.

In the light of the contents of this matter, the Transkei Government deemed the matter to have been closed.

The grandstanding and political posturing which accompanied the release of the so-called findings of the Goldstone Commission of Inquiry into APLA; and the

/...

singling and painting of Transkei as a villain is totally unacceptable to the Government and people of Transkei.

I would like to alert you to the fact that our intelligence is aware of the order personally given by you to the effect that certain persons deemed to be APLA members resident in Transkei be wiped out as a matter of extreme urgency. Part of the purpose of mobilising the Citizen Force is to achieve this purpose. We are likely informed that as from Monday, 22 March 1993, the security forces in East London have started spray-painting cars and changing number plates to stage the operation as part of your ten-point plan. Luxury buses purporting to convey tourists to and fro Transkei will be used to transport the would-be murderers. The Atlas Luxury Coaches (buses) have been identified for the operation.

Yesterday, 24 March 1993, the security forces met in East London and finalised ways and means of eliminating innocent people. A certain Mr. Van Claren, driving a GSK 354T (VIP Jeep) which has been resprayed as well, attended the meeting yesterday and his car has already been loaded with weapons for use in the operation. This Mr. Claren, according to our source, has been heavily implicated in the elimination of black political activists particularly in the Eastern Cape in the mid-1980s.

This unequivocally demonstrates that "Operation Katzen" approved by the P.W. Botha Cabinet of which you were a leading member is and still remains in force.

/...

For your further information and attention, see the attached copy of today's Daily Dispatch which indicates that the NP Government will resort to murder to remove those whom it considers a thorn in their flesh.

The mere mentioning of very high-ranking military and police personnel like the Civil Co-operation Bureau chairman and one-time SADF Chief of Intelligence, Major-General Abraham Joubert and Brigadier Willem Schoon, head of the South African Police's Vlakplaas unit and Minister Pik Botha sends shock waves to all South Africans that the apartheid juggernaut is rotten to the core. Each time you peel off one layer, another rotten one appears. One would imagine that the best thing is not to peel off anything but simply throw the whole edifice overboard.

In the light of the above expose , it is crystal clear that the Transkei Government is well-informed of the NP Government's dirty tricks campaigns and has a huge store of information (like the twelve files which, when released, would prove that the nefarious covert operations still do take place under your presidency).

I am therefore not prepared to countenance and accept findings of a commission based on the evidence supplied by the SADF and SAP who are notorious for being ruthless murderers as evidenced in "Operation Katzen" and other sinister operations.

Your attention is again invited to the role of South Africa in the abortive coup

of November 1990. Evidence led in our Supreme Court trial so far points to the complicity of your government which left many Transkei Defence Force soldiers dead and injured. This is another indication of the bloodthirstiness of the architects and executors of covert operations.

We have noticed that you and your Ministers become jittery and menacing in outlook once a couple of whites have been killed. This smacks of strong racial overtones. But when more thousands of blacks are killed under your reign, you cynically refer to it as black-on-black violence. But the author of "Operation Katzen", General Joffel van der Westhuizen, who is now the Chief Military Adviser to your Government and strategic planner of covert operations, demonstrates clearly in documents in our possession that your NP Government can baulk at nothing in pursuing the strategy of pitting one black group against the other. General van der Westhuizen puts it lucidly and succinctly that Inkatha is being used to undermine the black advance to emancipation (counter-revolution).

From the above it is clear the blood of Transkeian locals has been spilled in "Operation Katzen" and the 1990 abortive coup. However, if your government is still interested in the investigation into APLA activities and bases in Transkei, the offer of the Government of Transkei about the secondment of a judge and the published draft of the terms of reference still stands.

You have threatened to take action against Transkei. Please ensure you have

taken precautionary measures so that the consequences of your actions do not boomerang on your face.

Finally we totally reject the notion of Transkei's unco-operativeness in any investigation of APLA - the blame lies squarely at the door of your Government. The attached diplomatic note reveals who the culprit is.

You are kindly requested to convey to Judge Goldstone that Transkei will not participate in its investigations. They are free to sentence us in absentia as they have already done.

The threat against Transkei will be taken up with the various leaderships of allies in negotiations and review the whole sudden ballooning of the APLA fiasco. The killing of innocent blacks by the state machinery would have to be seriously looked at by these leaders and come up with a plan to halt these senseless killings once and for all.

The honeymoon of riding on the backs of liberation movements to facilitate South Africa's acceptance back into the fold of the international community is about to be over.

Transkei will jealously guard against any determined effort by your Government to drive a wedge between the liberation movements.

The Office of the Military Council of the Republic of Transkei wishes to avail itself of this opportunity to renew to the Office of the State President of the Republic of South Africa the assurance of its highest consideration.

UMTATA

25 MARCH 1993

Annexure "E"

EMBARGO: IMMEDIATE

PRESS RELEASE BY THE HONOURABLE MR. JUSTICE R. J. GOLDSTONE, CHAIRMAN OF THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

1. The provisional findings of the APLA Committee were made public five days ago. The Commission regards it as important that those provisional findings be tested by cross-examination and counter-evidence in the event that any interested party questions the truth and accuracy of those provisional findings. For that reason the Commission has repeatedly invited in particular the Transkei authorities, APLA and the PAC to join with the Committee in its investigation.

2. In its report the Commission expressed the view that if interested parties did not respond to the provisional findings they could not be heard to complain if those provisional findings were regarded as conclusive.

3. The only responses thus far from the Transkei and PAC have consisted of bare denials without any attempt to deal with a single factual provisional finding. There has been no response at all from APLA. The Commission regrets therefore that thus far there has been no adequate response from any interested party implicated by the provisional findings.

4. The Commission again invites Transkei, APLA and the PAC to inform it which, if any, of the provisional findings in the Committee's report it questions and to provide the Commission with a detailed response to such allegations. If the Commission receives no adequate response from those parties by 16:00 on Thursday, 8 April 1993 it will assume that none of the provisional findings of the Committee are questioned by them and that those findings can be regarded as being conclusive.

PRETORIA
29 MARCH 1993

Annexure "F"

Die Staatspresident
The State President
Kaapstad · Cape Town

The Office of the State President of the Republic of South Africa presents its compliments to the Office of the Chairman of the Military Council of the Republic of Transkei and has the honour to refer to Note No.123, under reference No.8/1/1/11, dated 25 March 1993 concerning the preliminary report into the activities of the Azanian People's Liberation Army, by the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation.

It is not the intention to respond to the provocative, threatening and insulting parts of the Note under reply. The allegations made in the Note, and the press release issued by the Chairman of the Military Council on 24 March 1993 will be dealt with as well as the implications of Transkei's refusal to cooperate with the Goldstone Commission.

The South African Police are not aware of any security forces respraying cars and changing number plates to stage attacks on Transkei. The only vehicles which are being resprayed are heavy vehicles (Caspirs, Hippo's, etc.) belonging to the Internal Stability Unit. These vehicles were previously in camouflage colours. Since the beginning of 1992, however, there has been a process of respraying them light green.

The South African Police have not been able to find any information relating to a Mr. van Claren, or McClaren, or the vehicle No. GSK 354 T (Jeep). A computer search has revealed that the vehicle is not registered.

It is generally known that the Police hold regular meetings where senior officers discuss matters connected with police work. Such a meeting was held on 24 March 1993 in East London but the subject of the meeting was in no way related to the allegations made in the Note under reply.

The allegation that President de Klerk gave an "order to the effect that certain persons deemed to be APLA members resident in Transkei be wiped out" is so preposterous that it does not merit a response. Such an allegation together with related allegations reflect negatively on the Transkei Government, not on President de Klerk.

It is a matter of concern that the Transkei Government obviously made no attempt to verify its allegations, which were given wide publicity. This strengthens the impression that the Transkei Government is attempting to hide its reluctance to substantiate its denial of APLA activities in Transkei by irresponsible counter-allegations.

The central issue is the findings of the Goldstone Commission's report, not whether the two Governments have a dispute with one another. What should be of concern, is curbing violence which <u>prima facie</u> has emanated from Transkei.

The Transkei Government will recall that, in Resolution 765 of 16 July 1992, the United Nations Security Council expressed its grave concern about the escalating violence in South Africa and called upon all parties to cooperate in combating violence and to ensure the effective implementation of the National Peace Accord. In the same resolution the

Secretary-General of the United Nations was invited to appoint a special representative in order to recommend, after discussion with the parties, measures which would assist in, amongst other things, bringing an effective end to the violence. In pursuance of resolution 765, UN Special Representative Mr. Cyrus Vance, accompanied by Mr. V. Dayal, visited South Africa from 21 to 31 July 1992. They held wide-ranging discussions with all parties concerned, including, on 25 July 1992, a delegation from Transkei led by Maj-Gen. Holomisa. In his subsequent report, the Secretary-General made the following observations:

S/24389,
para. 67. "It is neither necessary nor possible here to recount the far-reaching work being undertaken by Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Suffice it to say that it commands wide-spread respect in South Africa and abroad. I believe that the efforts of the Goldstone Commission should be supported by the international community and that the recommendations of the Commission should be fully and speedily implemented by the Government and, when so required, by the parties in South Africa."

para. 68. "... It is also necessary, in my view, that the leaders of the major political parties should, as the Goldstone Commission recommends, take firm steps to stop their supporters from participating in acts of violence."

para. 69. "The long-standing capacity for violence by the various political groups in South Africa is so central to the lack of trust in the political life of the country that I feel it must be remedied. Accordingly, I recommend that the Goldstone

Commission undertake a series of investigations into the functioning and operations of certain agencies, inter alia ... the Azanian People's Liberation Army (APLA) ... My Special Representative has discussed this proposal with Justice Goldstone and certain of the parties who are of the view that such investigations could indeed serve to curb violence and be of benefit to the country as a whole..."

para.73. "The National Peace Accord of 14 September 1991 establishes a comprehensive framework ... to end violence and to facilitate socio-economic development and reconstruction ..."

para.74. "Both the National Peace Committee and the National Peace Secretariat need to be more consistently and substantially supported from the highest political levels ..."

On 17 August 1992 the Security Council considered the question of South Africa, having before it the report of the Secretary-General. At the same meeting the Security Council adopted Resolution 772. In this resolution the Security Council expressed its determination "to assist the people of South Africa to end violence, the continuation of which would seriously jeopardize peace and security in the region". The Security Council also called upon the South African Government and all parties concerned "to implement urgently the relevant recommendations of the Secretary-General contained in his report."

On 10 September 1992, following consultations held by the Security Council, the President of the Council made a statement in which, amongst other things, the Council "reiterated their grave concern at the continued escalation of the violence in South Africa ..." The Council thereupon

"urged all parties in South Africa to co-operate in combating violence and to exercise maximum restraint in order to help break the spiralling cycle of violence."

Taking into account the ongoing developments in South Africa, the Secretary-General designated two Special Envoys who carried out separate missions to South Africa. They were Messrs V. Dayal and Ambassador T. Vraalsen. In his report to the Security Council on the findings of these two Special Envoys, the Secretary-General wrote as follows:

S/25004, para.26. "The National Peace Accord and the structures established under it are among South Africa's most valuable tools for assisting in reducing violence and bringing about a peaceful transition to democracy..."

para. 27. "A matter of particular concern is that some of the homelands are not signatories to the Accord, and some of those which are parties to it have withdrawn from the peace structures. The homelands continue to be major flashpoints of violence ... The responsibility of the Government of South Africa to redress this situation cannot be overemphasized."

para. 33. "... there is a growing recognition that political leaders across the spectrum also have a responsibility to actively discourage violence on the part of their supporters."

para. 38. "...Cooperation (with the Goldstone Commission in undertaking a series of investigations into the security forces and other armed formations) is not forthcoming from the PAC with regard to APLA ..."

The Secretary-General also reported that the United Nations Observer Mission in South Africa had initiated "courtesy calls and visits to the homelands". The meetings were designed to enable the "observers to familiarize themselves with measures being taken within these territories to promote the peace process and support the National Peace Accord ..." (paragraph 53).

The observations (conclusions) of the Secretary-General are also of particular interest:

para.81 "... all political leaders must take immediate action to curb political violence. To this end I would urge all parties to attend the planned meeting of signatories to the National Peace Accord in order to examine ways and means of putting an end to the violence and to strengthen the structures ..."

para. 83. "I ... urge all parties in South Africa to co-operate fully with the Goldstone Commission's forthcoming investigation into the security forces and other armed formations ... Justice Goldstone's standing in the international community and the United Nations' active support for him and his Commission have reinforced the Commission's capacity to address difficult and sensitive issues ..."

Against this background, and bearing in mind that Maj-Gen. Holomisa was permitted to address the United Nations Security Council on 16 July 1992, it would seem that the Transkei Government cannot escape the responsibility to cooperate with the existing peace structures in seeking a solution to the problem of violence, along the lines indicated in the Security Council resolutions and reports of the Secretary-General.

With reference to the press release issued by the Chairman of the Military Council of Transkei on 24 March 1993, it should be pointed out that the inquiry into the existence of APLA bases and operations inside and outside South Africa was initiated by the Goldstone Commission and not by the South African Government. In this connection The Honourable Mr. Justice R.J. Goldstone, Chairman of the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, issued a press release on 2 January 1993 in which he stated the following:

"1. Repeated allegations have been made concerning armed attacks on South African citizens from bases outside South Africa.

2. It is of paramount importance, in the interests of peace and stability in the region, that all such allegations be investigated and the position be clarified. For that reason the Commission established a committee to enquire into the existence of APLA bases and operations inside and outside South Africa.

3. The Commission would welcome and invites the co-operation of neighbouring states whose territories are alleged to be used by persons launching such attacks. Such co-operation could be by way of submissions, evidence or direct participation in the investigations and inquiries themselves. In this regard the Commission will approach the South African Government for its co-operation.

4. In this context I welcome the approach by Major-General B. Holomisa on 26 December 1992 in which he indicated that Transkei was willing to

enquire into allegations concerning APLA bases in Transkei and other related matters. The manner in which the Commission or I might be involved by the enquiry referred to by Major-General Holomisa and other matters referred to by statements made by him to the press still required to be canvassed.

In this regard I would point out that the Commission has no jurisdiction or powers in Transkei. That and the constitutional relationship between South Africa and Transkei makes it necessary that appropriate arrangements be made through normal government channels.

5. In the light of the positive developments which already have taken place the Committee of the Commission enquiring into APLA bases and operations will commence its public hearing in Port Elizabeth on Monday 4 January 1993."

The Honourable Mr. Justice R. J. Goldstone was initially under the impression that the approach of the Chairman of the Military Council was made to him in his capacity as Chairman of the Goldstone Commission. At no time did he agree to head a separate commission of inquiry in Transkei, which would have entailed a secondment to Transkei. In fact, he issued a press release on 8 January 1993 to clarify the matter. The press release reads as follows:

"1. On 26 December 1992 I was approached telephonically by Major-General Bantu Holomisa. He inquired whether I will be prepared to extend the APLA inquiry by hearing evidence in the Transkei. He also requested me to be involved personally in any Transkei sittings and that I invite an independent Transkei citizen to participate with regard thereto.

I assumed that the approach was made to me in my capacity as chairman of the Commission. On that assumption I informed Major-General Holomisa that in principle I would be happy to support his proposals. As I pointed out in my press statement dated 2 January 1993, the constitutional relationship between South Africa and Transkei is such that an approach would be required to be made through appropriate Governmental channels.

2. At no time did I agree to head a separate commission of inquiry in Transkei. For a number of reasons I would not have agreed to do so. One of them is that I could have found myself in a situation where I had a possible material and unacceptable conflict of interests as chairman of a South African Commission which has a committee already inquiring into the very same issue of APLA bases in Transkei.

3. I was consulted by the South African Government with regard to the request to it from the Transkei Government for my secondment. I fully agree with the terms of the response given to the Transkei Government by the South African Government."

On the same day the Embassy delivered Note No. 4, under reference No. 8/1/16, to the Transkei Government indicating that the latter's request could not be acceded to. The South African Minister of Justice also issued the following press statement on 8 January 1993:

"The South African Embassy in Umtata today delivered a diplomatic note to the Transkei Military Council from the Government of the Republic of South Africa indicating that the request for the secondment of Mr. Justice

Goldstone to head a commission of enquiry could not be acceded to.

A committee of the Goldstone Commission has already commenced hearing evidence on the activities and alleged attacks by APLA, including the training of APLA members in the Transkei. This committee will have its sessions on South African territory and will report its findings to the Goldstone Commission, which will then submit a report to the South African State President. It needs to be stressed that the committee will hear evidence and receive submissions from any interested party and that evidence from any source whatsoever can make a valuable contribution.

The South African Government is of the opinion that the Transkei has an interest in establishing the facts surrounding the presence and training of APLA in the Transkei, if any.

Since Mr. Justice Goldstone has an ultimate interest and responsibility in regard to his South African assignment, he cannot possibly divorce himself from his own Commission to take on another assignment elsewhere, especially as he and the Commission are already involved in the matter. This could create a conflict of interest.

In the interests of justice and in support of establishing the truth surrounding the presence and training of APLA members in the Transkei, the South African Government has however proposed to the Transkeian authorities that a Transkeian judge or any other available South African judge to be seconded for this purpose, be appointed to lead a Transkeian commission of enquiry. This commission could then also publish its findings and make its report available to the Goldstone

Commission for its consideration. The Goldstone Commission could then in its comprehensive report address the Transkeian commission's report. The Goldstone Commission's report may be made available to the Transkeian authorities and any other interested government.

The South African Government reinterates its position that violence, from whichever source, cannot be tolerated. In an effort to bring about the necessary climate for an end of all violence, it therefore needs to be established who the perpetrators of violence are. The South African Government is of the opinion that the above course is the correct one to attain this goal."

The reason for the South African Government's decision to withdraw its offer to make a judge available to Transkei has previously been explained to the Transkei Government. On 24 February 1993 the Government of Transkei was informed that the findings of the Committee of the Goldstone Commission into APLA activities in the whole of the Eastern Cape would be comprehensive and sufficient. The relevance of the proposed Transkeian Commission, which had different terms of reference not related exclusively to APLA activities in the Eastern Cape, therefore diminished.

In terms of section 4(a) of the Prevention of Public Violence and Intimidation Act, 1991 (Act 139 of 1991), the Goldstone Commission may, with the concurrence of the Minister of Justice, establish as many committees as it may deem necessary for the effective exercise and performance of its powers, duties and functions. Any such committee is required, upon conclusion of its inquiry, to submit a report to the Commission for consideration. In this particular case, the Commission considered and accepted the report of the Committee. It is a matter of grave concern to the South

African Government that aspersions have been cast on the integrity of the Committee members and the Commission itself by the Transkei Government. The Goldstone Commission is held in high esteem both in South Africa and in the international community.

In issuing its report on 15 March 1993, Mr. Justice Goldstone commented as follows:

"It is in the hope of a positive response from Transkei, the PAC and APLA that all of the findings made thus far are provisional. If no response is forthcoming, however, those parties cannot be heard to complain if those provisional findings are regarded as conclusive by the local and international communities".

Those findings are:

1. Both the PAC and APLA still propagate the armed struggle.

2. APLA is the military wing of the PAC.

3. APLA uses Transkei as a springboard for attacks into the Republic of South Africa. Arms and ammunition are stored in Transkei for use by APLA units. The presence of armed APLA members in Transkei was known to members of the Transkeian Police.

4. The Transkeian Government has supplied APLA with arms allegedly for VIP protection purposes.

5. APLA's operational activities are aimed at members of the SAP, the SADF and white civilians in general.

6. The PAC controls APLA's budget.

7. APLA members have received training in Transkei.

8. Arms and explosives are being smuggled into the Republic of South Africa and Transkei for use by APLA members.

9. APLA's internal High Command for the Republic is based in Transkei.

The Commmission's recommendations are:

1. That the Security Forces protect the citizens of South Africa to the best of their ability and arrest and prosecute the perpetrators of violence in terms of the common law.

2. That the Commission request the international community to -

2.1 request all nations to withhold assistance to APLA;
2.2 bring pressure to bear on the PAC to cease to condone and support acts of violence by APLA and to join other political groups in South Africa in their search for a negotiated settlement;
2.3 ascertain from the Government of Tanzania its response to the allegations by the SAP and the SADF concerning the training of APLA members in that country and the existence there of an APLA base.

3. That the Commission request the South African Government and all political groups in the Republic to ascertain from the Transkeian authorities their response to the allegations of the SAP and the SADF, and if they are confirmed or not denied to bring pressure to bear on the Transkeian authorities to prohibit the use of any part of their territory as a springboard for attacks against South African citizens.

4. That all the parties engaged in the effort to reach a negotiated settlement for a future political dispensation in South Africa bring pressure to bear on the PAC and APLA to suspend the armed struggle and to join these parties in their search for a peaceful negotiated settlement.

5. That through negotiations pressure be brought to bear on the PAC and other political parties to sign the National Peace Accord and to participate in the peace structures.

The Commission concluded by emphasizing that it had been appointed to conduct a preliminary inquiry. All parties are therefore still at liberty and are again invited to provide evidence to the Goldstone Commission with regard to any of the matters relating to its report. It is the standpoint of the South African Government that mere denials of the findings of the Goldstone Commission are not sufficient to prove that those findings are without substance.

The Government has, meanwhile, taken cognizance of a press statement by the Honorable Mr. Justice Goldstone, dated 29 March 1993.

The South African Government reserves the right to take appropriate measures to protect the interests of its citizens from further cross-border attacks by elements of APLA and any other such organisations operating from the territory of Transkei.

The Office of the State President of the Republic of South Africa avails itself of this opportunity to renew to the Office of the Chairman of the Military Council of the Republic of Transkei the assurance of its highest consideration.

CAPE TOWN
30 March 1993